

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 101

# HOUSE BILL 2426

AN ACT

AMENDING TITLE 14, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 12; RELATING TO THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 14, Arizona Revised Statutes, is amended by adding  
3 chapter 12, to read:

4 CHAPTER 12

5 UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE  
6 PROCEEDINGS JURISDICTION ACT

7 ARTICLE 1. GENERAL PROVISIONS

8 14-12101. Short title

9 THIS CHAPTER MAY BE CITED AS THE UNIFORM ADULT GUARDIANSHIP AND  
10 PROTECTIVE PROCEEDINGS JURISDICTION ACT.

11 14-12102. Definitions

12 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 1. "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF AGE.

14 2. "CONSERVATOR" MEANS A PERSON APPOINTED BY THE COURT TO MANAGE THE  
15 ESTATE OF AN ADULT PROTECTED PERSON, INCLUDING A PERSON APPOINTED UNDER  
16 CHAPTER 5 OF THIS TITLE.

17 3. "COURT OF THIS STATE" OR "COURT IN THIS STATE" MEANS THE SUPERIOR  
18 COURT.

19 4. "GUARDIAN" MEANS A PERSON WHO HAS QUALIFIED AS A GUARDIAN OF AN  
20 INCAPACITATED PERSON PURSUANT TO TESTAMENTARY OR COURT APPOINTMENT AND  
21 INCLUDES A PERSON WHO IS APPOINTED UNDER CHAPTER 5, ARTICLE 3 OF THIS TITLE.  
22 GUARDIAN DOES NOT INCLUDE A GUARDIAN AD LITEM OR A REPRESENTATIVE WHO IS  
23 APPOINTED PURSUANT TO SECTION 14-1408.

24 5. "GUARDIANSHIP ORDER" MEANS AN ORDER APPOINTING A GUARDIAN.

25 6. "GUARDIANSHIP PROCEEDING" MEANS A JUDICIAL PROCEEDING IN WHICH AN  
26 ORDER FOR THE APPOINTMENT OF A GUARDIAN IS SOUGHT OR HAS BEEN ISSUED.

27 7. "INCAPACITATED PERSON" MEANS AN ADULT FOR WHOM A GUARDIAN HAS BEEN  
28 APPOINTED.

29 8. "PERSON", EXCEPT IN THE TERM INCAPACITATED PERSON OR PROTECTED  
30 PERSON, MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST,  
31 PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT VENTURE, PUBLIC  
32 CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY OR  
33 INSTRUMENTALITY OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

34 9. "PROTECTED PERSON" MEANS AN ADULT FOR WHOM A PROTECTIVE ORDER HAS  
35 BEEN ISSUED.

36 10. "PROTECTIVE ORDER" MEANS AN ORDER APPOINTING A CONSERVATOR OR OTHER  
37 ORDER RELATED TO MANAGEMENT OF AN ADULT'S PROPERTY.

38 11. "PROTECTIVE PROCEEDING" MEANS A JUDICIAL PROCEEDING IN WHICH A  
39 PROTECTIVE ORDER IS SOUGHT OR HAS BEEN ISSUED.

40 12. "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM  
41 OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN  
42 PERCEIVABLE FORM.

43 13. "RESPONDENT" MEANS AN ADULT FOR WHOM A PROTECTIVE ORDER OR THE  
44 APPOINTMENT OF A GUARDIAN IS SOUGHT.

1        14. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF  
2 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, A FEDERALLY  
3 RECOGNIZED INDIAN TRIBE OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
4 JURISDICTION OF THE UNITED STATES.

5        14-12103. International applications of act

6        A COURT OF THIS STATE MAY TREAT A FOREIGN COUNTRY AS IF IT WERE A STATE  
7 FOR THE PURPOSE OF APPLYING THIS ARTICLE AND ARTICLES 2, 3 AND 5 OF THIS  
8 CHAPTER.

9        14-12104. Communication between courts

10       A. A COURT OF THIS STATE MAY COMMUNICATE WITH A COURT IN ANOTHER STATE  
11 CONCERNING A PROCEEDING ARISING UNDER THIS CHAPTER. THE COURT MAY ALLOW THE  
12 PARTIES TO PARTICIPATE IN THE COMMUNICATION. EXCEPT AS PROVIDED IN  
13 SUBSECTION B, THE COURT SHALL MAKE A RECORD OF THE COMMUNICATION. THE RECORD  
14 MAY BE LIMITED TO THE FACT THAT THE COMMUNICATION OCCURRED.

15       B. COURTS MAY COMMUNICATE CONCERNING SCHEDULES, CALENDARS, COURT  
16 RECORDS AND OTHER ADMINISTRATIVE MATTERS WITHOUT MAKING A RECORD.

17       14-12105. Cooperation between courts

18       A. IN A GUARDIANSHIP OR PROTECTIVE PROCEEDING IN THIS STATE, A COURT  
19 OF THIS STATE MAY REQUEST THE APPROPRIATE COURT OF ANOTHER STATE TO DO ANY OF  
20 THE FOLLOWING:

- 21       1. HOLD AN EVIDENTIARY HEARING.
- 22       2. ORDER A PERSON IN THAT STATE TO PRODUCE EVIDENCE OR GIVE TESTIMONY
- 23 PURSUANT TO PROCEDURES OF THAT STATE.
- 24       3. ORDER THAT AN EVALUATION OR ASSESSMENT BE MADE OF THE RESPONDENT.
- 25       4. ORDER ANY APPROPRIATE INVESTIGATION OF A PERSON INVOLVED IN A
- 26 PROCEEDING.

27       5. FORWARD TO THE COURT OF THIS STATE A CERTIFIED COPY OF THE  
28 TRANSCRIPT OR OTHER RECORD OF A HEARING UNDER PARAGRAPH 1 OR ANY OTHER  
29 PROCEEDING, ANY EVIDENCE OTHERWISE PRODUCED UNDER PARAGRAPH 2, AND ANY  
30 EVALUATION OR ASSESSMENT PREPARED IN COMPLIANCE WITH AN ORDER UNDER PARAGRAPH  
31 3 OR 4.

32       6. ISSUE ANY ORDER NECESSARY TO ENSURE THE APPEARANCE IN THE  
33 PROCEEDING OF A PERSON WHOSE PRESENCE IS NECESSARY FOR THE COURT TO MAKE A  
34 DETERMINATION, INCLUDING THE RESPONDENT OR THE INCAPACITATED OR PROTECTED  
35 PERSON.

36       7. ISSUE AN ORDER AUTHORIZING THE RELEASE OF MEDICAL, FINANCIAL,  
37 CRIMINAL OR OTHER RELEVANT INFORMATION IN THAT STATE, INCLUDING PROTECTED  
38 HEALTH INFORMATION AS DEFINED IN 45 CODE OF FEDERAL REGULATIONS SECTION  
39 164.504, AS AMENDED.

40       B. IF A COURT OF ANOTHER STATE IN WHICH A GUARDIANSHIP OR PROTECTIVE  
41 PROCEEDING IS PENDING REQUESTS ASSISTANCE OF THE KIND PROVIDED IN SUBSECTION  
42 A, A COURT OF THIS STATE HAS JURISDICTION FOR THE LIMITED PURPOSE OF GRANTING  
43 THE REQUEST OR MAKING REASONABLE EFFORTS TO COMPLY WITH THE REQUEST.

14-12106. Taking testimony in another state

A. IN A GUARDIANSHIP OR PROTECTIVE PROCEEDING, IN ADDITION TO OTHER PROCEDURES THAT MAY BE AVAILABLE, TESTIMONY OF A WITNESS WHO IS LOCATED IN ANOTHER STATE MAY BE OFFERED BY DEPOSITION OR OTHER MEANS ALLOWABLE IN THIS STATE FOR TESTIMONY TAKEN IN ANOTHER STATE. THE COURT ON ITS OWN MOTION MAY ORDER THAT THE TESTIMONY OF A WITNESS BE TAKEN IN ANOTHER STATE AND MAY PRESCRIBE THE MANNER IN WHICH AND THE TERMS ON WHICH THE TESTIMONY IS TO BE TAKEN.

B. IN A GUARDIANSHIP OR PROTECTIVE PROCEEDING, A COURT IN THIS STATE MAY PERMIT A WITNESS LOCATED IN ANOTHER STATE TO BE DEPOSED OR TO TESTIFY BY TELEPHONE OR AUDIOVISUAL OR OTHER ELECTRONIC MEANS. A COURT OF THIS STATE SHALL COOPERATE WITH THE COURT OF THE OTHER STATE IN DESIGNATING AN APPROPRIATE LOCATION FOR THE DEPOSITION OR TESTIMONY.

C. DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A COURT OF THIS STATE BY TECHNOLOGICAL MEANS THAT DO NOT PRODUCE AN ORIGINAL WRITING MAY NOT BE EXCLUDED FROM EVIDENCE ON AN OBJECTION BASED ON THE BEST EVIDENCE RULE.

ARTICLE 2. JURISDICTION

14-12201. Definitions; significant connection factors

A. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "EMERGENCY" MEANS A CIRCUMSTANCE THAT LIKELY WILL RESULT IN SUBSTANTIAL HARM TO A RESPONDENT'S HEALTH, SAFETY OR WELFARE, AND FOR WHICH THE APPOINTMENT OF A GUARDIAN IS NECESSARY BECAUSE NO OTHER PERSON HAS AUTHORITY AND IS WILLING TO ACT ON THE RESPONDENT'S BEHALF.

2. "HOME STATE" MEANS THE STATE IN WHICH THE RESPONDENT WAS PHYSICALLY PRESENT, INCLUDING ANY PERIOD OF TEMPORARY ABSENCE, FOR AT LEAST SIX CONSECUTIVE MONTHS IMMEDIATELY BEFORE THE FILING OF A PETITION FOR A PROTECTIVE ORDER OR THE APPOINTMENT OF A GUARDIAN OR, IF NONE, THE STATE IN WHICH THE RESPONDENT WAS PHYSICALLY PRESENT, INCLUDING ANY PERIOD OF TEMPORARY ABSENCE, FOR AT LEAST SIX CONSECUTIVE MONTHS ENDING WITHIN THE SIX MONTHS BEFORE THE FILING OF THE PETITION.

3. "SIGNIFICANT-CONNECTION STATE" MEANS A STATE, OTHER THAN THE HOME STATE, WITH WHICH A RESPONDENT HAS A SIGNIFICANT CONNECTION OTHER THAN MERE PHYSICAL PRESENCE AND IN WHICH SUBSTANTIAL EVIDENCE CONCERNING THE RESPONDENT IS AVAILABLE.

B. IN DETERMINING UNDER SECTION 14-12203 AND SECTION 14-12301, SUBSECTION E WHETHER A RESPONDENT HAS A SIGNIFICANT CONNECTION WITH A PARTICULAR STATE, THE COURT SHALL CONSIDER:

1. THE LOCATION OF THE RESPONDENT'S FAMILY AND OTHER PERSONS REQUIRED TO BE NOTIFIED OF THE GUARDIANSHIP OR PROTECTIVE PROCEEDING.

2. THE LENGTH OF TIME THE RESPONDENT AT ANY TIME WAS PHYSICALLY PRESENT IN THE STATE AND THE DURATION OF ANY ABSENCE.

3. THE LOCATION OF THE RESPONDENT'S PROPERTY.

1           4. THE EXTENT TO WHICH THE RESPONDENT HAS TIES TO THE STATE SUCH AS  
2 VOTER REGISTRATION, STATE OR LOCAL TAX RETURN FILING, VEHICLE REGISTRATION,  
3 DRIVER LICENSE, SOCIAL RELATIONSHIP AND RECEIPT OF SERVICES.

4           14-12202. Exclusive basis

5           THIS ARTICLE PROVIDES THE EXCLUSIVE JURISDICTIONAL BASIS FOR A COURT OF  
6 THIS STATE TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER FOR AN ADULT.

7           14-12203. Jurisdiction

8           A COURT OF THIS STATE HAS JURISDICTION TO APPOINT A GUARDIAN OR ISSUE A  
9 PROTECTIVE ORDER FOR A RESPONDENT IF ANY OF THE FOLLOWING IS TRUE:

10          1. THIS STATE IS THE RESPONDENT'S HOME STATE.

11          2. ON THE DATE THE PETITION IS FILED, THIS STATE IS A  
12 SIGNIFICANT-CONNECTION STATE AND EITHER:

13           (a) THE RESPONDENT DOES NOT HAVE A HOME STATE OR A COURT OF THE  
14 RESPONDENT'S HOME STATE HAS DECLINED TO EXERCISE JURISDICTION BECAUSE THIS  
15 STATE IS A MORE APPROPRIATE FORUM.

16           (b) THE RESPONDENT HAS A HOME STATE, A PETITION FOR AN APPOINTMENT OR  
17 ORDER IS NOT PENDING IN A COURT OF THAT STATE OR ANOTHER  
18 SIGNIFICANT-CONNECTION STATE AND, BEFORE THE COURT MAKES THE APPOINTMENT OR  
19 ISSUES THE ORDER:

20           (i) A PETITION FOR AN APPOINTMENT OR ORDER IS NOT FILED IN THE  
21 RESPONDENT'S HOME STATE.

22           (ii) AN OBJECTION TO THE COURT'S JURISDICTION IS NOT FILED BY A PERSON  
23 REQUIRED TO BE NOTIFIED OF THE PROCEEDING.

24           (iii) THE COURT IN THIS STATE CONCLUDES THAT IT IS AN APPROPRIATE  
25 FORUM UNDER THE FACTORS SET FORTH IN SECTION 14-12206, SUBSECTION C.

26          3. THIS STATE DOES NOT HAVE JURISDICTION UNDER EITHER PARAGRAPH 1 OR 2  
27 OF THIS SECTION, THE RESPONDENT'S HOME STATE AND ALL SIGNIFICANT-CONNECTION  
28 STATES HAVE DECLINED TO EXERCISE JURISDICTION BECAUSE THIS STATE IS THE MORE  
29 APPROPRIATE FORUM AND JURISDICTION IN THIS STATE IS CONSISTENT WITH THE  
30 CONSTITUTIONS OF THIS STATE AND THE UNITED STATES.

31          4. THE REQUIREMENTS FOR SPECIAL JURISDICTION UNDER SECTION 14-12204  
32 ARE MET.

33           14-12204. Special jurisdiction

34           A. A COURT OF THIS STATE LACKING JURISDICTION UNDER SECTION 14-12203  
35 HAS SPECIAL JURISDICTION TO DO ANY OF THE FOLLOWING:

36           1. APPOINT A GUARDIAN IN AN EMERGENCY FOR A TERM NOT EXCEEDING NINETY  
37 DAYS FOR A RESPONDENT WHO IS PHYSICALLY PRESENT IN THIS STATE.

38           2. ISSUE A PROTECTIVE ORDER WITH RESPECT TO REAL OR TANGIBLE PERSONAL  
39 PROPERTY LOCATED IN THIS STATE.

40           3. APPOINT A GUARDIAN OR CONSERVATOR FOR AN INCAPACITATED OR PROTECTED  
41 PERSON FOR WHOM A PROVISIONAL ORDER TO TRANSFER THE PROCEEDING FROM ANOTHER  
42 STATE HAS BEEN ISSUED UNDER PROCEDURES SIMILAR TO SECTION 14-12301.

43           B. IF A PETITION FOR THE APPOINTMENT OF A GUARDIAN IN AN EMERGENCY IS  
44 BROUGHT IN THIS STATE AND THIS STATE WAS NOT THE RESPONDENT'S HOME STATE ON  
45 THE DATE THE PETITION WAS FILED, THE COURT SHALL DISMISS THE PROCEEDING AT

1 THE REQUEST OF THE COURT OF THE HOME STATE, IF ANY, WHETHER DISMISSAL IS  
2 REQUESTED BEFORE OR AFTER THE EMERGENCY APPOINTMENT.

3 14-12205. Exclusive and continuing jurisdiction

4 EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-12204, A COURT THAT HAS  
5 APPOINTED A GUARDIAN OR ISSUED A PROTECTIVE ORDER CONSISTENT WITH THIS  
6 CHAPTER HAS EXCLUSIVE AND CONTINUING JURISDICTION OVER THE PROCEEDING UNTIL  
7 IT IS TERMINATED BY THE COURT OR THE APPOINTMENT OR ORDER EXPIRES BY ITS OWN  
8 TERMS.

9 14-12206. Appropriate forum

10 A. A COURT OF THIS STATE THAT HAS JURISDICTION UNDER SECTION 14-12203  
11 TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER MAY DECLINE TO EXERCISE ITS  
12 JURISDICTION IF IT DETERMINES AT ANY TIME THAT A COURT OF ANOTHER STATE IS A  
13 MORE APPROPRIATE FORUM.

14 B. IF A COURT OF THIS STATE DECLINES TO EXERCISE ITS JURISDICTION  
15 UNDER SUBSECTION A OF THIS SECTION, IT SHALL EITHER DISMISS OR STAY THE  
16 PROCEEDING. THE COURT MAY IMPOSE ANY CONDITION THE COURT CONSIDERS JUST AND  
17 PROPER, INCLUDING THE CONDITION THAT A PETITION FOR THE APPOINTMENT OF A  
18 GUARDIAN OR ISSUANCE OF A PROTECTIVE ORDER BE FILED PROMPTLY IN ANOTHER  
19 STATE.

20 C. IN DETERMINING WHETHER IT IS AN APPROPRIATE FORUM, THE COURT SHALL  
21 CONSIDER ALL RELEVANT FACTORS, INCLUDING:

22 1. ANY EXPRESSED PREFERENCE OF THE RESPONDENT.

23 2. WHETHER ABUSE, NEGLECT OR EXPLOITATION OF THE RESPONDENT HAS  
24 OCCURRED OR IS LIKELY TO OCCUR AND WHICH STATE COULD BEST PROTECT THE  
25 RESPONDENT FROM THE ABUSE, NEGLECT OR EXPLOITATION.

26 3. THE LENGTH OF TIME THE RESPONDENT WAS PHYSICALLY PRESENT IN OR WAS  
27 A LEGAL RESIDENT OF THIS STATE OR ANOTHER STATE.

28 4. THE DISTANCE OF THE RESPONDENT FROM THE COURT IN EACH STATE.

29 5. THE FINANCIAL CIRCUMSTANCES OF THE RESPONDENT'S ESTATE.

30 6. THE NATURE AND LOCATION OF THE EVIDENCE.

31 7. THE ABILITY OF THE COURT IN EACH STATE TO DECIDE THE ISSUE  
32 EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT EVIDENCE.

33 8. THE FAMILIARITY OF THE COURT OF EACH STATE WITH THE FACTS AND  
34 ISSUES IN THE PROCEEDING.

35 9. IF AN APPOINTMENT WERE MADE, THE COURT'S ABILITY TO MONITOR THE  
36 CONDUCT OF THE GUARDIAN OR CONSERVATOR.

37 14-12207. Jurisdiction declined by reason of conduct

38 A. IF AT ANY TIME A COURT OF THIS STATE DETERMINES THAT IT ACQUIRED  
39 JURISDICTION TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER BECAUSE OF  
40 UNJUSTIFIABLE CONDUCT, THE COURT MAY:

41 1. DECLINE TO EXERCISE JURISDICTION.

42 2. EXERCISE JURISDICTION FOR THE LIMITED PURPOSE OF FASHIONING AN  
43 APPROPRIATE REMEDY TO ENSURE THE HEALTH, SAFETY AND WELFARE OF THE RESPONDENT  
44 OR THE PROTECTION OF THE RESPONDENT'S PROPERTY OR PREVENT A REPETITION OF THE  
45 UNJUSTIFIABLE CONDUCT, INCLUDING STAYING THE PROCEEDING UNTIL A PETITION FOR

1 THE APPOINTMENT OF A GUARDIAN OR ISSUANCE OF A PROTECTIVE ORDER IS FILED IN A  
2 COURT OF ANOTHER STATE HAVING JURISDICTION.

3 3. CONTINUE TO EXERCISE JURISDICTION AFTER CONSIDERING:

4 (a) THE EXTENT TO WHICH THE RESPONDENT AND ALL PERSONS REQUIRED TO BE  
5 NOTIFIED OF THE PROCEEDINGS HAVE ACQUIESCED IN THE EXERCISE OF THE COURT'S  
6 JURISDICTION.

7 (b) WHETHER IT IS A MORE APPROPRIATE FORUM THAN THE COURT OF ANY OTHER  
8 STATE UNDER THE FACTORS PRESCRIBED IN SECTION 14-12206, SUBSECTION C.

9 (c) WHETHER THE COURT OF ANY OTHER STATE WOULD HAVE JURISDICTION UNDER  
10 FACTUAL CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDICTIONAL  
11 STANDARDS PRESCRIBED IN SECTION 14-12203.

12 B. IF A COURT OF THIS STATE DETERMINES THAT IT ACQUIRED JURISDICTION  
13 TO APPOINT A GUARDIAN OR ISSUE A PROTECTIVE ORDER BECAUSE A PARTY SEEKING TO  
14 INVOKE ITS JURISDICTION ENGAGED IN UNJUSTIFIABLE CONDUCT, IT MAY ASSESS  
15 AGAINST THAT PARTY NECESSARY AND REASONABLE EXPENSES, INCLUDING ATTORNEY  
16 FEES, INVESTIGATIVE FEES, COURT COSTS, COMMUNICATION EXPENSES, WITNESS FEES  
17 AND EXPENSES, AND TRAVEL EXPENSES. THE COURT MAY NOT ASSESS FEES, COSTS OR  
18 EXPENSES OF ANY KIND AGAINST THIS STATE OR A GOVERNMENTAL SUBDIVISION, AGENCY  
19 OR INSTRUMENTALITY OF THIS STATE UNLESS AUTHORIZED BY LAW OTHER THAN THIS  
20 CHAPTER.

21 14-12208. Notice of proceeding

22 IF A PETITION FOR THE APPOINTMENT OF A GUARDIAN OR ISSUANCE OF A  
23 PROTECTIVE ORDER IS BROUGHT IN THIS STATE AND THIS STATE WAS NOT THE  
24 RESPONDENT'S HOME STATE ON THE DATE THE PETITION WAS FILED, IN ADDITION TO  
25 COMPLYING WITH THE NOTICE REQUIREMENTS OF THIS STATE, NOTICE OF THE PETITION  
26 MUST BE GIVEN TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE OF THE  
27 PETITION IF A PROCEEDING WERE BROUGHT IN THE RESPONDENT'S HOME STATE. THE  
28 NOTICE MUST BE GIVEN IN THE SAME MANNER AS NOTICE IS REQUIRED TO BE GIVEN  
29 PURSUANT TO CHAPTER 5 OF THIS TITLE.

30 14-12209. Proceedings in more than one state

31 EXCEPT FOR A PETITION FOR THE APPOINTMENT OF A GUARDIAN IN AN EMERGENCY  
32 OR ISSUANCE OF A PROTECTIVE ORDER LIMITED TO PROPERTY LOCATED IN THIS STATE  
33 UNDER SECTION 14-12204, SUBSECTION A, PARAGRAPH 1 OR 2, IF A PETITION FOR THE  
34 APPOINTMENT OF A GUARDIAN OR ISSUANCE OF A PROTECTIVE ORDER IS FILED IN THIS  
35 STATE AND IN ANOTHER STATE AND NEITHER PETITION HAS BEEN DISMISSED OR  
36 WITHDRAWN, THE FOLLOWING RULES APPLY:

37 1. IF THE COURT IN THIS STATE HAS JURISDICTION UNDER SECTION 14-12203,  
38 IT MAY PROCEED WITH THE CASE UNLESS A COURT IN ANOTHER STATE ACQUIRES  
39 JURISDICTION UNDER PROVISIONS SIMILAR TO THOSE PRESCRIBED IN SECTION 14-12203  
40 BEFORE THE APPOINTMENT OR ISSUANCE OF THE ORDER.

41 2. IF THE COURT IN THIS STATE DOES NOT HAVE JURISDICTION UNDER SECTION  
42 14-12203, WHETHER AT THE TIME THE PETITION IS FILED OR AT ANY TIME BEFORE THE  
43 APPOINTMENT OR ISSUANCE OF THE ORDER, THE COURT SHALL STAY THE PROCEEDING AND  
44 COMMUNICATE WITH THE COURT IN THE OTHER STATE. IF THE COURT IN THE OTHER  
45 STATE HAS JURISDICTION, THE COURT IN THIS STATE SHALL DISMISS THE PETITION

1 UNLESS THE COURT IN THE OTHER STATE DETERMINES THAT THE COURT IN THIS STATE  
2 IS A MORE APPROPRIATE FORUM.

3 ARTICLE 3. TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

4 14-12301. Transfer of guardianship or conservatorship to  
5 another state

6 A. ANY INTERESTED PERSON MAY PETITION THE COURT TO TRANSFER THE  
7 GUARDIANSHIP OR CONSERVATORSHIP TO ANOTHER STATE.

8 B. ON THE FILING OF A PETITION PURSUANT TO SUBSECTION A OF THIS  
9 SECTION, THE COURT IN THIS STATE SHALL SET A HEARING ON THE PETITION AND THE  
10 PETITIONER SHALL GIVE NOTICE OF THE HEARING TO THE PERSONS WHO PURSUANT TO  
11 CHAPTER 5 OF THIS TITLE WOULD BE ENTITLED TO NOTICE OF THE HEARING ON A  
12 PETITION FOR THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR.

13 C. ON THE COURT'S OWN MOTION OR ON THE FILING OF AN OBJECTION TO A  
14 PETITION FILED PURSUANT TO SUBSECTION B OF THIS SECTION, THE HEARING ON A  
15 PETITION FILED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE SET AS AN  
16 APPEARANCE HEARING, OTHERWISE THE HEARING SHALL BE SET AS A NONAPPEARANCE  
17 HEARING.

18 D. AFTER THE HEARING HELD PURSUANT TO SUBSECTION C OF THIS SECTION,  
19 THE COURT IN THIS STATE SHALL ENTER AN ORDER AUTHORIZING THE GUARDIAN OR  
20 ANOTHER APPROPRIATE PERSON TO PETITION FOR GUARDIANSHIP IN THE OTHER STATE IF  
21 THE COURT IN THIS STATE FINDS ALL OF THE FOLLOWING:

22 1. THE INCAPACITATED PERSON IS PHYSICALLY PRESENT IN OR IS REASONABLY  
23 EXPECTED TO MOVE PERMANENTLY TO THE OTHER STATE.

24 2. AN OBJECTION TO THE TRANSFER HAS NOT BEEN MADE OR, IF AN OBJECTION  
25 HAS BEEN MADE, THE OBJECTOR HAS NOT ESTABLISHED THAT THE TRANSFER WOULD BE  
26 CONTRARY TO THE INTERESTS OF THE INCAPACITATED PERSON.

27 3. PLANS FOR CARE AND SERVICES FOR THE INCAPACITATED PERSON IN THE  
28 OTHER STATE ARE REASONABLE AND SUFFICIENT.

29 E. AFTER THE HEARING HELD PURSUANT TO SUBSECTION C OF THIS SECTION,  
30 THE COURT IN THIS STATE SHALL ENTER AN ORDER AUTHORIZING THE CONSERVATOR OR  
31 ANOTHER APPROPRIATE PERSON TO PETITION FOR CONSERVATORSHIP IN THE OTHER STATE  
32 IF THE COURT FINDS ALL OF THE FOLLOWING:

33 1. THE PROTECTED PERSON IS PHYSICALLY PRESENT IN OR IS REASONABLY  
34 EXPECTED TO MOVE PERMANENTLY TO THE OTHER STATE, OR THE PROTECTED PERSON HAS  
35 A SIGNIFICANT CONNECTION TO THE OTHER STATE CONSIDERING THE FACTORS  
36 PRESCRIBED IN SECTION 14-12201, SUBSECTION B.

37 2. AN OBJECTION TO THE TRANSFER HAS NOT BEEN MADE OR, IF AN OBJECTION  
38 HAS BEEN MADE, THE OBJECTOR HAS NOT ESTABLISHED THAT THE TRANSFER WOULD BE  
39 CONTRARY TO THE INTERESTS OF THE PROTECTED PERSON.

40 3. ADEQUATE ARRANGEMENTS WILL BE MADE FOR MANAGEMENT OF THE PROTECTED  
41 PERSON'S PROPERTY.

42 F. AFTER NOTICE AND A HEARING, THE COURT IN THIS STATE SHALL ENTER AN  
43 ORDER CONFIRMING THE TRANSFER AND TERMINATING THE GUARDIANSHIP OR  
44 CONSERVATORSHIP ON ITS RECEIPT OF BOTH OF THE FOLLOWING:



1           1. A CERTIFIED COPY OF THE LETTERS OF OFFICE OR OTHER AUTHORITY  
2 INDICATING APPOINTMENT OF A GUARDIAN OR CONSERVATOR, OR BOTH, ISSUED BY THE  
3 APPROPRIATE AUTHORITY IN THE STATE TO WHICH THE PROCEEDING IS TO BE  
4 TRANSFERRED.

5           2. THE DOCUMENTS REQUIRED TO TERMINATE A GUARDIANSHIP OR  
6 CONSERVATORSHIP IN THIS STATE, INCLUDING ANY REQUIRED ACCOUNTING FOR THE  
7 PERIOD OF ADMINISTRATION BEFORE THE TRANSFER OF JURISDICTION.

8           14-12302. Accepting guardianship or conservatorship transferred  
9                           from another state

10          A. TO CONFIRM TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIP  
11 TRANSFERRED TO THIS STATE UNDER PROVISIONS SIMILAR TO THOSE PRESCRIBED IN  
12 SECTION 14-12301, AN INTERESTED PERSON MAY PETITION THE COURT IN THIS STATE  
13 TO ACCEPT THE GUARDIANSHIP OR CONSERVATORSHIP. THE PETITION MUST INCLUDE A  
14 CERTIFIED COPY OF THE OTHER STATE'S ORDER AUTHORIZING THE GUARDIAN OR  
15 CONSERVATOR TO PETITION THE COURT OF THIS STATE FOR GUARDIANSHIP,  
16 CONSERVATORSHIP OR OTHER PROTECTIVE ORDER.

17          B. NOTICE OF A PETITION UNDER SUBSECTION A OF THIS SECTION MUST BE  
18 GIVEN TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE IF THE PETITION WERE A  
19 PETITION FOR THE APPOINTMENT OF A GUARDIAN OR ENTRY OF A PROTECTIVE ORDER IN  
20 BOTH THE TRANSFERRING STATE AND THIS STATE. THE NOTICE MUST BE GIVEN IN THE  
21 SAME MANNER AS NOTICE OF INITIAL GUARDIANSHIP PROCEEDINGS AND PROTECTIVE  
22 PROCEEDINGS IS REQUIRED TO BE GIVEN PURSUANT TO CHAPTER 5 OF THIS TITLE.

23          C. ON THE COURT'S OWN MOTION OR ON THE FILING OF AN OBJECTION TO A  
24 PETITION PURSUANT TO SUBSECTION A OF THIS SECTION, THE HEARING ON A PETITION  
25 FILED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE SET AS AN APPEARANCE  
26 HEARING, OTHERWISE THE HEARING SHALL BE SET AS A NONAPPEARANCE HEARING.

27          D. AFTER THE HEARING HELD PURSUANT TO SUBSECTION C OF THIS SECTION,  
28 THE COURT IN THIS STATE SHALL ENTER AN ORDER PROVISIONALLY GRANTING A  
29 PETITION FILED UNDER SUBSECTION A OF THIS SECTION UNLESS EITHER:

30           1. AN OBJECTION TO THE PETITION IS MADE AND THE OBJECTOR ESTABLISHES  
31 THAT TRANSFER OF THE PROCEEDING WOULD BE CONTRARY TO THE BEST INTERESTS OF  
32 THE INCAPACITATED OR PROTECTED PERSON.

33           2. THE PROPOSED GUARDIAN OR THE PROPOSED CONSERVATOR IS INELIGIBLE FOR  
34 APPOINTMENT IN THIS STATE.

35          E. THE COURT IN THIS STATE SHALL ENTER AN ORDER ACCEPTING THE  
36 PROCEEDING AND APPOINTING A GUARDIAN OR CONSERVATOR IN THIS STATE ON ITS  
37 RECEIPT FROM THE COURT FROM WHICH THE PROCEEDING IS BEING TRANSFERRED OF A  
38 FINAL ORDER ISSUED UNDER PROVISIONS SIMILAR TO SECTION 14-12301 TRANSFERRING  
39 THE PROCEEDING TO THIS STATE.

40          F. NOT LATER THAN NINETY DAYS AFTER ENTRY OF AN ORDER ACCEPTING  
41 TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIP, THE COURT IN THIS STATE SHALL  
42 DETERMINE WHETHER THE GUARDIANSHIP OR CONSERVATORSHIP NEEDS TO BE MODIFIED TO  
43 CONFORM TO THE LAW OF THIS STATE.

44          G. IN GRANTING A PETITION UNDER THIS SECTION, THE COURT IN THIS STATE  
45 SHALL RECOGNIZE A GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM THE OTHER STATE,

1 INCLUDING THE DETERMINATION OF THE INCAPACITATED OR PROTECTED PERSON'S  
2 INCAPACITY AND THE APPOINTMENT OF THE GUARDIAN OR CONSERVATOR.

3 H. THE DENIAL BY A COURT OF THIS STATE OF A PETITION TO ACCEPT A  
4 GUARDIANSHIP OR CONSERVATORSHIP TRANSFERRED FROM ANOTHER STATE DOES NOT  
5 AFFECT THE ABILITY OF AN INTERESTED PERSON TO SEEK APPOINTMENT AS A GUARDIAN  
6 OR CONSERVATOR IN THIS STATE UNDER CHAPTER 5 OF THIS TITLE IF THE COURT IN  
7 THIS STATE HAS JURISDICTION TO MAKE AN APPOINTMENT OTHER THAN BY REASON OF  
8 THE ORDER OF ANOTHER STATE'S COURT AUTHORIZING THE TRANSFER OF THE  
9 GUARDIANSHIP OR CONSERVATORSHIP.

10 ARTICLE 4. REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATE

11 14-12401. Registration of guardianship orders

12 IF A GUARDIAN HAS BEEN APPOINTED IN ANOTHER STATE AND A PETITION FOR  
13 THE APPOINTMENT OF A GUARDIAN IS NOT PENDING IN THIS STATE, THE GUARDIAN  
14 APPOINTED IN THE OTHER STATE, AFTER GIVING NOTICE TO THE APPOINTING COURT OF  
15 AN INTENT TO REGISTER, MAY REGISTER THE GUARDIANSHIP ORDER IN THIS STATE BY  
16 FILING AS A FOREIGN JUDGMENT IN A COURT, IN ANY APPROPRIATE COUNTY OF THIS  
17 STATE, CERTIFIED COPIES OF THE ORDER AND LETTERS OF OFFICE.

18 14-12402. Registration of protective orders

19 IF A CONSERVATOR HAS BEEN APPOINTED IN ANOTHER STATE AND A PETITION FOR  
20 A PROTECTIVE ORDER IS NOT PENDING IN THIS STATE, THE CONSERVATOR APPOINTED IN  
21 THE OTHER STATE, AFTER GIVING NOTICE TO THE APPOINTING COURT OF AN INTENT TO  
22 REGISTER, MAY REGISTER THE PROTECTIVE ORDER IN THIS STATE BY FILING AS A  
23 FOREIGN JUDGMENT IN A COURT OF THIS STATE, IN ANY COUNTY IN WHICH PROPERTY  
24 BELONGING TO THE PROTECTED PERSON IS LOCATED, CERTIFIED COPIES OF THE ORDER,  
25 THE LETTERS OF OFFICE AND OF ANY THEN CURRENT BOND REQUIRED BY THE APPOINTING  
26 COURT.

27 14-12403. Effect of registration

28 A. ON REGISTRATION OF A GUARDIANSHIP OR CONSERVATORSHIP OR ANY OTHER  
29 PROTECTIVE ORDER FROM ANOTHER STATE, THE GUARDIAN OR CONSERVATOR MAY EXERCISE  
30 IN THIS STATE ALL POWERS AUTHORIZED IN THE ORDER OF APPOINTMENT EXCEPT AS  
31 PROHIBITED UNDER THE LAWS OF THIS STATE, INCLUDING MAINTAINING ACTIONS AND  
32 PROCEEDINGS IN THIS STATE AND, IF THE GUARDIAN OR CONSERVATOR IS NOT A  
33 RESIDENT OF THIS STATE, SUBJECT TO ANY CONDITIONS IMPOSED ON NONRESIDENT  
34 PARTIES.

35 B. A COURT OF THIS STATE MAY GRANT ANY RELIEF AVAILABLE UNDER THIS  
36 CHAPTER AND OTHER LAW OF THIS STATE TO ENFORCE A REGISTERED ORDER.

37 ARTICLE 5. MISCELLANEOUS PROVISIONS

38 14-12501. Uniformity of application and construction

39 IN APPLYING AND CONSTRUING THIS CHAPTER, THE COURTS SHALL CONSIDER THE  
40 NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER  
41 AMONG THE STATES THAT ENACT THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE  
42 PROCEEDINGS JURISDICTION ACT.

1       14-12502. Relation to electronic signatures in global and  
2                   national commerce act

3       THIS CHAPTER MODIFIES, LIMITS AND SUPERSEDES THE ELECTRONIC SIGNATURES  
4       IN GLOBAL AND NATIONAL COMMERCE ACT (15 UNITED STATES CODE SECTION 7001, ET  
5       SEC.) BUT DOES NOT MODIFY, LIMIT OR SUPERSEDE SECTION 101(c) OF THAT ACT (15  
6       UNITED STATES CODE SECTION 7001(c)) OR AUTHORIZE ELECTRONIC DELIVERY OF ANY  
7       OF THE NOTICES DESCRIBED IN SECTION 103(b) OF THAT ACT (15 UNITED STATES CODE  
8       SECTION 7003(b)).

9       14-12503. Transitional provision

10       A. THIS CHAPTER APPLIES TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS  
11       BEGUN ON OR AFTER THE EFFECTIVE DATE OF THIS CHAPTER.

12       B. ARTICLES 1, 3 AND 4 OF THIS CHAPTER AND SECTIONS 14-12501 AND  
13       14-12502 APPLY TO PROCEEDINGS BEGUN BEFORE THE EFFECTIVE DATE OF THIS CHAPTER  
14       REGARDLESS OF WHETHER A GUARDIANSHIP OR PROTECTIVE ORDER HAS BEEN ISSUED.

APPROVED BY THE GOVERNOR APRIL 20, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2010.